

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

6 UNITED STATES OF AMERICA, )  
7 Plaintiff, ) CASE NO. 06-476M  
8 v. )  
9 MICHAEL J. LABADIE, ) DETENTION ORDER  
10 Defendant. )  
11 \_\_\_\_\_ )

12 || Offense charged:

13      Assault of a Federal Officer, in violation of Title 18, U.S.C., Section 111.

14 Date of Detention Hearing: September 14, 2006

15 The Court, having conducted a contested detention hearing pursuant to Title 18  
16 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
17 hereafter set forth, finds that no condition or combination of conditions which the defendant  
18 can meet will reasonably assure the appearance of the defendant as required and the safety  
19 of any other person and the community. The Government was represented by Tate London.  
20 The defendant was represented by Brian Tschuida.

## FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 (1) The defendant has no ties to the Western District of Washington and is a  
23 native and citizen of Canada.

24 (2) Due to the nature and seriousness of the crime alleged, release of the  
25 defendant would pose a risk of flight and danger to the community.

26 (a) The facts of the case involve an assault on a U.S. Border and

## DETENTION ORDER

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Customs officer. The background and history include an uncharged incident between the same officer and the defendant, also occurring at the U.S. Customs office at the Canadian border.

(b) The defendant also presented unstable behavior in court--one minute bowing to the Court, the next minute becoming angry and rude and presenting veiled threats to the Government *and* the Court. At today's hearing the defendant feigned tears and remorse for his earlier behavior, his deception being evident .

(c) Through the reports to U.S. Pretrial Services, the defendant is known to the Royal Canadian Mounted Police (“RCMP”) as having numerous encounters with the police and to avoid arrest he fraudulently claimed to be an active member of the RCMP, knowing in fact that he had resigned.

4           Thus, there is no condition or combination of conditions that would reasonably  
5 assure future court appearances.

**It is therefore ORDERED:**

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correctional facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court

1 proceeding; and

2 (4) The clerk shall direct copies of this order to counsel for the United States,  
3 to counsel for the defendant, to the United States Marshal, and to the  
4 United States Pretrial Services Officer.

5 DATED this 18<sup>th</sup> day of September, 2006.

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9 MONICA J. BENTON  
United States Magistrate Judge  
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